

Colorado Department of Public Health and Environment

Water Quality Control Division

FY2014 End-of-Year Review

Oversight Level

Region 8 EPA conducted the minimum baseline level and limited targeted level of oversight in the state of Colorado during fiscal year 2014. The Colorado Department of Public Health and Environment (CDPHE) Water Quality Control Division (the Division) baseline oversight activities consisted of review and documentation toward meeting performance partnership agreement (PPA) commitments; routine communication and information sharing; Quarterly Noncompliance Report (QNCR) review; limited data metrics review; follow up on citizen complaints, open action items, and recommendations from previous reviews; and oversight inspections and activities required by national program guidance. The specific targeted oversight activities included quarterly meetings, follow up on State Review Framework (SRF) Tracker items, and reviewing reports submitted under the PPA.

Program Highlights

- The WQCD issued 52 formal enforcement actions in FY2014 and collected \$422,752 in penalties for violations of the Clean Water Act.
- Major facilities in Colorado have a lower SNC rate and fewer majors were in non-compliance status in FY2014, compared to the national averages.
- The WQCD oversaw the beneficial use of 68,545 dry metric tons of biosolids, including composting and land application to rangeland and reclamation projects.
- A single event violation business process was developed in FY2014 that will be implemented in FY2015 to streamline enforcement response procedures.

Areas of Concern

- Nationally, EPA expects all states to evaluate 5% to 10% of their construction and industrial stormwater facilities. Region 8 identified stormwater sector inspection coverage as an issue during the FY2010 state review and created an SRF tracker item. In FY2014, Region 8 decided to remove the SRF tracker item based on justification provided by the Division regarding allocation of resources and ongoing vacancy planning.

Annual Data Verification Report

In FY2014, many of the inspection commitments in the FY2013 inspection plan were exceeded.

Colorado has a lower SNC rate (10.8%) for majors than the national average (20.7%) and fewer majors in non-compliance status (67.5%) versus the national average (78.7%).

Table 1: FY14 inspection commitments in the PPA, inspections reported in ICIS, and inspections reported in the CDPHE EOY report. EPA is continuing to verify numbers and would like state feedback to assist in rectifying any differences. The ICIS data is included in an attached spreadsheet.

	PPA commitment	# Completed (EOY Report)	# Completed (ICIS Database)
Majors	41	41	41
Minors	115	151	116
CAFO	40	37	104
Stormwater construction	36	79	*
Stormwater industrial	32	42	16
Phase II MS4 Audits	3	1	*

*These are not required WENDB elements and are not entered into ICIS by Colorado.

Annual Commitments

The WQCD submitted all reports required by the PPA to Region 8 on time and to EPA's knowledge all information provided was accurate.

Follow-up from Previous Reviews

In FY2011 Region 8 conducted a SRF investigation for FY2010. Inspection coverage for construction and industrial stormwater sectors in FY2010 did not meet the national compliance monitoring strategy (CMS); 5% coverage for small construction sites (<5 acres) and 10% coverage for industrial stormwater and large construction sites (>5 acres). Region 8 created an SRF tracker item to address this issue. In FY2014, and the previous three fiscal years, Colorado has committed to fewer and fewer inspections in this area. In FY2014 the Division hired and trained new stormwater inspectors and was able to nearly double their construction stormwater inspections projected and increase their industrial stormwater inspection coverage as well. While this is still an area of concern, there has been noticeable progress to train new inspectors and increase inspection coverage.

Oversight Activities Planned for Next Year

An Oversight Plan describing specific oversight activities planned for next year will be provided to the State in draft form by April 30, and final by September 30th. Specific baseline and targeted activities will be in accordance with the *Regional Plan for Region 8's Implementation of the State Review Framework (SRF)*, *Uniform Enforcement Oversight System (UEOS)* and *Other Oversight Activities for the CWA NPDES, CAA Stationary Sources, RCRA Subtitle C, and Public Water System Supervision (PWSS) Enforcement Programs through FY 2015* (Oversight Protocol) and will be based on the results of this review.

Attachments

FY14 Data Metrics Spreadsheet from ECHO

cc: Region 8 State Enforcement Program Coordinator